

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

U.S. DISTRICT COURT

230 #24 A'S 12

----- x  
JEFFREY W. KUSMICK, :

Plaintiff, :

Action No. 10-2596 (FSH)

-against- :

**ANSWER AND JURY DEMAND**

KARIM ARZADI, ESQ., FISBO OF NEW :  
JERSEY, L.L.C., WAYLAND ENG, SHEAN :  
CHANG WANG, :

Defendants.

----- x

Defendant, WAYLAND ENG, ("Defendant"), pro se, answers the complaint (the "Complaint") of Plaintiff, JEFFREY W. KUSMICK, as follows:

1. Defendant denies the allegations of Count I paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of the Complaint.

**FIRST AFFIRMATIVE DEFENSE**

2. The Complaint fails to state a cause of action.

**SECOND AFFIRMATIVE DEFENSE**

3. The architectural designs, drawings, and services allegedly copied lack sufficient originality to be copyrightable.

**THIRD AFFIRMATIVE DEFENSE**

4. Plaintiff is not entitled to attorneys' fees or statutory damages because the alleged infringement occurred prior to any registration of the plaintiff's alleged copyright of its pattern.

**FOURTH AFFIRMATIVE DEFENSE**

5. Plaintiff has no valid copyright in the allegedly infringed design.

**FIFTH AFFIRMATIVE DEFENSE**

6. Plaintiff's action is barred in part or in its entirety by the applicable statute of limitations.

**SIXTH AFFIRMATIVE DEFENSE**

7. Plaintiff's claim for injunctive relief is barred by the doctrine of mootness.

**SEVENTH AFFIRMATIVE DEFENSE**

8. Plaintiff is barred from asserting an infringement claim against defendant because plaintiff granted a license to defendant to use the allegedly infringed design.

**EIGHTH AFFIRMATIVE DEFENSE**

9. Plaintiff acquiesced in Defendant's use of the allegedly infringing design. Plaintiff is therefore barred by the doctrine of estoppel from asserting any claim against Defendant in connection therewith.

**NINTH AFFIRMATIVE DEFENSE**

10. Plaintiff's action is barred by the doctrine of laches.

**TENTH AFFIRMATIVE DEFENSE**


Plaintiff's action is barred by the doctrine of abandonment.

**WHEREFORE**, Defendant respectfully requests that:

- (a) Plaintiff take nothing by way of its Complaint;
- (b) The Court dismiss Plaintiff's Complaint in its entirety with prejudice;
- (c) Defendant be awarded its costs and fees in this action pursuant to 17 U.S.C. § 505; and
- (d) The Court award Defendant any other relief it deems just and proper.

Dated: Perth Amboy, New Jersey  
June 23, 2010

DEFENDANT WAYLAND ENG  
PRO SE


  
DEFENDANT WAYLAND ENG, PRO SE  
301 HILLSIDE TERRACE  
STATEN ISLAND, NY 10308-3410  
732-715-9896

**DEMAND FOR A JURY TRIAL**

Please take notice that Defendant demands a jury trial in this action.

Dated: Staten Island, New York  
June 23, 2010

DEFENDANT WAYLAND ENG  
PRO SE

  
DEFENDANT WAYLAND ENG, PRO SE  
301 HILLSIDE TERRACE  
STATEN ISLAND, NY 10308-3410  
732-715-9896